

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 16, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 1:18-cr-02037-SMJ

Plaintiff,

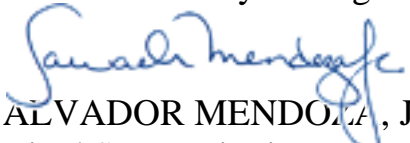
v.

LORENZO ELIAS MENDEZ,

Defendant.

FORFEITURE JURY INSTRUCTIONS GIVEN BY THE COURT

DATED this 15th day of August 2019.


SALVADOR MENDOLA, JR.
United States District Judge

INSTRUCTION NO. 1

Members of jury, in light of your verdict that the Defendant, LORENZO ELIAS MENDEZ, is guilty of Attempted Production of Child Pornography, as charged in Count 1 of the Indictment, you must now decide whether the Defendant must forfeit certain personal property to the United States because of its connection to the conduct for which you found him guilty.

Under the law, any person who is convicted of an offense in violation of attempted production of child pornography shall forfeit to the United States any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

The Indictment and Bill of Particulars alleges that the following personal property is forfeitable by virtue of its involvement or use in the attempted production of child pornography for which you found Defendant guilty:

(1) a Black Moto Cellphone with Black Case;

(2) approximately seven (7) miscellaneous hidden cameras, transmitters, and accessories;

(3) a Plug 2 View hidden camera;

(4) a Camera, blue and black, wrapped in blue plastic and black tape; and,

(5) a stuffed animal (dog), teddy bear eye/dog eye, and package of wiggle eyes.

1 This property is set out in a Special Verdict Form which you will be given
2 once you begin deliberating on the issue of forfeiture.

3 I instruct you, however, that your previous finding that the Defendant is
4 guilty of the attempted production of child pornography is final. Because you are
5 bound by your previous finding that the Defendant is guilty, you are not to discuss
6 in your deliberations on the issue of forfeiture whether the Defendant is guilty or
7 not guilty of attempted production of child pornography.

8 All of my previous instructions regarding direct and circumstantial
9 evidence, credibility of witnesses, and your duty to deliberate apply with respect
10 to your verdicts regarding forfeiture.

INSTRUCTION NO. 2

The Government alleges that the items of personal property mentioned in the previous instruction are connected to the offenses for which you found the Defendant guilty.

As to each item of those items of property, you must determine whether the Government has established a nexus between the property and the attempted production of child pornography for which you found Defendant guilty. In other words, you must decide whether that property was used or intended to be used to commit or to promote the commission of that offense, or is traceable to property that was.

The Government bears the burden of proving the required nexus by a preponderance of the evidence—which is different from the standard that applied to your deliberations on the Defendant’s guilt. When a party has the burden of proving something by a preponderance of the evidence, it means you must be persuaded by the evidence that it is more probably true than not true. You should base your decision on all of the evidence, regardless of which party presented it.

INSTRUCTION NO. 3

It is your duty to determine what property, if any, was involved in the attempted production of child pornography for which you found the Defendant guilty. As before, while deliberating, you may consider the sworn testimony of any witness, the exhibits received in evidence; and any facts to which the parties have agreed.

A special verdict form has been prepared for you to use. With respect to the property identified in the previous instruction, you will be asked to determine if each item of property was involved in the attempted production of child pornography for which you found the Defendant guilty.

You may answer by placing an "X" or check mark in the space provided next to the words "Yes" or "No" in the space provided. After you have reached unanimous agreement on a verdict as to each item of property, your presiding juror should complete the verdict form according to your deliberations, sign and date it, and advise the courtroom deputy that you are ready to return to the courtroom.